

4002-3420.JVD.243889 Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR § 1.53(b))

Attorney Docket No.	4002-3420
First Inventor	Jeffrey Kozak et al.
Title	ANTERIOR LUMBAR PLATE AND METHOD
Express Mail Label No.	EL983134872US

U.S.P.T.O.  
10753832264  
011204**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

1.  \*Fee Transmittal Form (e.g., PTO/SB/17)  
(submit an original and a duplicate for fee processing)

2.  Applicant claims small entity status.  
See 37 CFR 1.27.

3.  Specification [Total Pages 13]  
(preferred arrangement set forth below)  
 - Descriptive title of the Invention  
 - Cross References to Related Applications  
 - Statement Regarding Fed sponsored R & D  
 - Reference sequence listing, a table, or a computer program listing appendix or computer program listing appendix  
 - Background of the Invention  
 - Brief Summary of the Invention  
 - Brief Description of the Drawings (if filed)  
 - Detailed Description  
 - Claim(s)  
 - Abstract of the Disclosure

4.  Drawing(s) (35 U.S.C. 113) [Total Sheets 5]  
 Informal  Formal

5. Oath or Declaration [Total Pages 3]

a.  Newly executed (original or copy)  
 b.  Copy from a prior application (37 C.F.R. § 1.63(d))  
(for continuation/divisional with Box 18 completed)  
 i.  **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. §§ 1.63(d)(2) and 1.33(b).

6.  Application Data Sheet. See 37 CFR 1.76

7.  CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)

8.  Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)  
 a.  Computer Readable Form (CRF)  
 b. Specification Sequence Listing on:  
 i.  CD-ROM or CD-R (2 copies); or  
 ii.  paper  
 c.  Statements verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

9.  Assignment Papers (cover sheet & document(s))

10.  37 C.F.R. § 3.73(b) Statement  Power of Attorney  
(when there is an assignee)

11.  English Translation Document (if applicable)

12.  Information Disclosure Statement (IDS)/PTO-1449  Copies of IDS Citations

13.  Preliminary Amendment

14.  Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)

15.  Certified Copy of Priority Document(s)  
(if foreign priority is claimed)

16.  Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i).  
Applicant must attach form PTO/SB/35 or its equivalent.

17.  Other: \_\_\_\_\_

18. If a CONTINUATING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation  Divisional  Continuation-in-part (CIP) of prior application No: 09/696,130

Prior application information: Examiner: Peter J. Vrettakos

Group / Art Unit: 3739

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**19. CORRESPONDENCE ADDRESS**

<input checked="" type="checkbox"/> Customer Number:	30565	OR	<input type="checkbox"/> Correspondence address below
Name	Woodard, Emhardt, Moriarty, McNett & Henry LLP		
Address	Bank One Center/Tower 111 Monument Circle, Suite 3700		
City	Indianapolis	State	IN
Country	USA	Telephone	(317) 634-3456
Name (Print/Type)	John V. Daniluck	Registration No. (Attorney/Agent)	40,581
Signature	John V. Daniluck 12 JAN 2004		Date

**Express Mail Label Number** EL983134872US**Date of Deposit** January 12, 2004

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR Section 1.10 on the date indicated above and is addressed to the Commissioner for Patents, Mail Stop Patent Application, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature of person mailing paper or fee

This is a collection of information required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public (who is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS: SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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4002-3420.JVD.243885

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WEMMH/SB/17 (10/03)

Approved for use through 10/31/2002. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

**FEE TRANSMITTAL  
FOR FY 2003**

Effective 01/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

Total Amount of Payment (\$ 810)

Complete if Known	
Application Number	Not Yet Assigned
Filing Date	January 12, 2004
First Named Inventor	Jeffrey Kozak
Group Art Unit	

Examiner Name

Total Amount of Payment (\$ 810)

Attorney Docket Number 4002-3420

**METHOD OF PAYMENT**
 Check  Credit card  Money  Other Order  None
 Deposit Account:

Deposit Account Number

23-3030

Deposit Account Name

Woodard, Emhardt, Moriarty,  
McNett & Henry LLP

The Commissioner is authorized to: (check all that apply)

Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) during the pendency of this application, excluding the payment of issue fees  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

**FEE CALCULATION****1. BASIC FILING FEE**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1001	770	2001	385	Utility Filing Fee	770
1002	340	2002	170	Design Filing Fee	
1003	530	2003	265	Plant Filing Fee	
1004	770	2004	385	Reissue Filing Fee	
1005	160	2005	80	Provisional Filing Fee	
SUBTOTAL (1) (\$ 770)					

**2. EXTRA CLAIM FEES**

Total Claims	9	-20** =	0	X	Extra Claims	Fee From Below	Fee Paid
Independent Claims	1	-3** =	0	X		= 0	
Multiple Dependent						=	

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
1202	18	2202 9 Claims in excess of 20
1201	86	2201 43 Independent claims in excess of 3
1203	290	2203 145 Multiple dependent claim, if not paid
1204	86	2204 43 **Reissue independent claims over original patent
1205	18	2205 9 **Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$ 0)		

\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)**

3. ADDITIONAL FEES	Large Entity	Small Entity	Fee Description	Fee Paid
	Fee Code (\$)	Fee Code (\$)		
1051	130	2051	Surcharge – late filing fee or oath	
1052	50	2052	Surcharge – late provisional filing fee or cover sheet.	
1053	130	1053	Non-English specification	
1812	2,520	1812	For filing a request for ex parte reexamination	
1804	920*	1804	Requesting publication of SIR prior to Examiner's Action	
1805	1,840*	1805	Requesting publication of SIR after Examiner's Action	
1251	110	2251	Extension for reply within first month	
1252	420	2252	Extension for reply within second month	
1253	950	2253	Extension for reply within third month	
1254	1,480	2254	Extension for reply within fourth month	
1255	2,010	2255	Extension for reply within fifth month	
1401	330	2401	Notice of Appeal	
1402	330	2402	Filing a brief in support of an appeal	
1403	290	2403	Request for oral hearing	
1451	1,510	1451	Petition to institute a public use proceeding	
1452	110	2452	Petition to revive – unavoidable	
1453	1,330	2453	Petition to revive – unintentional	
1501	1,330	2501	Utility issue fee (or reissue)	
1502	480	2502	Design issue fee	
1503	640	2503	Plant issue fee	
1460	130	1460	Petitions to the Commissioner	
1807	50	1807	Petitions related to provisional applications	
1806	180	1806	Submission of Information Disclosure Stmt	
8021	40	8021	Recording each patent assignment per property (times number of properties)	40
1809	750	2809	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	Request for Continued Examination (RCE)	
1802	900	1802	Request for expedited examination of a design application	
Other Fee (specify)				
* Reduced by Basic Filing Fee Paid				SUBTOTAL (3) (\$ 40)

SUBMITTED BY	Complete (if applicable)		
Name (Print/Type)	J hn V. Daniluck	Registration No. (Attorney/Agent)	40,581
Signature	Telephone (317) 634-3456		
	Date	12 JAN 2004	

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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